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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,072	11/30/2000	Eric Graves	04860.P2555	3970

7590

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

11

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,072

Applicant(s)

GRAVES ET AL.

Examiner

Mike Rahmjoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

Claims 1- 72 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 55, applicant recites "the processor classifying the first command". The classification step is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 37, 46, 55 and 64 applicant recites "...the first command as one of...". The first command is not described in the specification as being "as one of" in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 37- 72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 37 the applicant recites "...according to a result of said determining...". It is not clear from the claim language whether "processing an operation ...according to a result of said determining" step or "determining the first command" takes precedence.

As per claim 46 the applicant recites "...according to a result of said identifying...". It is not clear from the claim language whether "processing an operation ...according to a result of said identifying" step or "identifying the first command" takes precedence.

As per claim 55 the applicant recites "...according to a result of classifying...". It is not clear from the claim language whether "the processor processing...according to a result of classifying" step or "the processor classifying the first command" takes precedence.

As per claim 64 the applicant recites "...according to a result of said means for examining...". It is not clear from the claim language whether "examining to determine..." step or "processing an operation ...according to a result of said means for examining" takes precedence.

Claims 38- 45, 47- 54, 56- 63, and 65- 72 are indefinite because they depend on indefinite antecedent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1- 72 are rejected under 35 U.S.C. 102(e) as being anticipated by MacInnis et al, US Patent 6,501,480, hereinafter, MacInnis.

As per claims 1, 10, 19, 28, 37, 46, 55 and 64 MacInnis teaches retrieving a first command from a script written for a first color space (e.g. YUV used for video or alternate formats see for example column 42) in figures 4, 5, and 13- 14 (different blocks for image processing) and also see for example column 6 lines 19- 29; determining a behavior (identifying

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with respect to claim 46, classifying with respect to claim 55 , and means for examining to determine with respect to claim 64) of the first command (recognizing only one CLUT in a graphics display system) wherein **the behavior of the first command is unique behavior** (operating only in the first color space with respect to claims 37, 46, 55, and 64) when the first command only operates in the first color space see for example column 7 lines 34- 35; and **transparent behavior** (generating similar results in the first color space and in the second color space with respect to claims 37, 46, 55, and 64)when the first command generates similar results in the first color space and in the second color space (transparent if the pixel falls within a range of possible colors) see for example column 14 lines 4- 14, and **different** (generating different results in the first color space and in the second color space with respect to claims 37, 46, 55, and 64) when the first command generates different results in the first color space and in the second color space see for example column 7 lines 35- 39(wherein multiple CLUTs are used with different graphics windows having graphic data with different CLUT formats); and processing (conversion and controlling processes) an operation associated with the first command using the behavior of the first command, wherein the operation is processed in a preferred format (YUVa) based on current formats of the input buffers (FIFO) see for example column 7 lines 14- 25 and column 9 lines 5- 23.

As per claims 2, 11, 20, 29, 38, 47, 56 and 65 MacInnis teaches the preferred format is determined to minimize 2 color space conversion of the input buffers see for example column 41 lines 11- 23 and also in figure 4 and columns 6- 7 and column 42 lines 13- 21(the color space preferably being in YUV format).

As per claims 3, 12, 21, 30, 39, 48, 57 and 66 MacInnis teaches the preferred format is a

format used with the second color space when at least one of the input buffers and output buffers is in the format used with the second color space see for example column 7 lines 14- 25 and column 9 lines 5- 23 and column 42 lines 1- 21(wherein different windows can be in different formats and are captured in the memory) and figures 4 and 24(up scaling and down scaling and blending through image processing commands and storing).

As per claims 4, 13, 22, 31, 40, 49, 58 and 67 MacInnis teaches processing the first command in the preferred format comprises converting the input buffers to the preferred format see for example figure 5 and also in column 9.

As per claims 5, 14, 23, 32, 41, 50, 57,and 68 MacInnis teaches when the first command has the unique behavior, the preferred format is a format used with the first color space see for example column 7 lines 24- 35 and also in figures 10- 11 and columns 24- 25.

As per claims 6, 15, 24, 33, 42, 51, 60,and 69 MacInnis teaches when the first command has the different behavior, the first command is transformed to a second command in the second color space, wherein the second command performs a similar operation in the second color space as the first command in the first color space see for example column 7(using different graphic windows having graphic data with different CLUT formats and performing similar image processing operation e.g., blending as shown in figure 4), and column 9 lines 5- 34 through various converters with different and similar formats, and column 14.

As per claims 7, 16, 25, 34, 43, 52, 61,and 70 MacInnis teaches if the second command

can not perform the similar operation with the one or more parameters of the first command, the parameters are transformed to comparable parameters for the second command such that the second command performs the similar operation in the second color space as the first command in the first color space see for example figures 5 and 10 (different converters e.g., blocks 136 and 134 performing similar operations which are fed into blocks 138 and are blended in block 140) and column 9.

As per claims 8, 17, 26, 35, 44, 53, 62, and 71 MacInnis teaches the comparable parameters are compatible with the preferred format see for example figures 5 and 10 and column 9 lines 35- 48 wherein converter 138 has the same parameters with the same format.

As per claims 9, 18, 27, 36, 45, 54, 63, and 72 MacInnis teaches if the one or more parameters of the first command cannot be transformed to comparable parameters for the second command such that second command performs the similar operation in the second color space as the first command in the first color space, the first command with the unique behavior instead of with the different behavior see for example figures 5 and 10 and columns 23 and 24 through the usage of only one CLUT.

Response to Arguments

Applicant's arguments filed 03/22/2004 have been fully considered but they are not persuasive.

As per applicant's remarks, applicant argues that the prior art made of the reference does not teach the terms "behavior", "unique", "transparent", and "different" and recites newly added claims 37- 72.

The examiner respectfully disagrees. MacInnis clearly teaches previously amended claims and newly added claims, which are substantially similar to previous claims, as per rejection of the office action provided herewith.

The applicant also argues that MacInnis does not teach "recognizing **only one CLUT**" as a determination of a behavior of the first command and states on page 25 "It is understood that MacInnis teaches to used multiple CLUTs to convert different raw graphics data formatted accordingly using different CLUTs".

In response the examiner points out to the dictionary meaning cited from Merriam Webster's Collegiate Dictionary, 10th Edition for recognize as "to **acknowledge** or **take notice of** in some definite way". MacInnis teaches the graphic display system of fig. 4 on page 6 lines 19- 29 as generally **including a CLUT**. The citation of MacInnis on page 7 lines 34- 35 **clearly states** the presence of **ONLY ONE CLUT** which fairly reads on **acknowledging a CLUT**. Furthermore, it is not clear from the applicant's arguments what is meant by "...teaches to used multiple CLUTs...".

The applicant also argues on page 26 that MacInnis does not teach “retrieving a first command from a script written for a first color space”.

In response the examiner points out to column 7 lines 31- 45 (the CLUT may be rewritten by **retrieving** new CLUT data via the DMA block when required) and 24 lines 35- 45(the CLUT may be **re-loaded by retrieving** new CLUT data via the direct memory access module when needed).

Applicant further argues on page 26 that “...the behavior of CLUT as **”unique”, ”transparent”, and ”different”...**”.

In response the examiner points out that there is no citation of “the behavior of CLUT” within the claim language of said independent claims 1, 10, 19, or 28.

Determining the behavior of the first command as **”unique”, ”transparent”, or ”different”** as per arguments made on pages 26- 27 is clearly taught through the rejection made in the office action dated 12/ 17/ 2003 along with the term “behavior” explained in the response to arguments as being broadly recited in the claim. The examiner is interpreting the **variations of the CLUT output** as corresponding to the term **“behavior”**. Therefore, having considered the variations within the CLUTs as corresponding to the behavior of the first command, they show the relationships of determining the behavior of one or multiple CLUTs as unique, transparent, and different.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

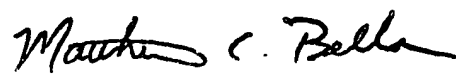
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305- 5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872- 9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305- 4750.

Mike Rahmjoo

March 31, 2004



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
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